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Box Seq

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/613,077	07/01/2003	Devin Leake	13510 CIP

23719
KALOW & SPRINGUT LLP
488 MADISON AVENUE
19TH FLOOR
NEW YORK, NY 10022

CONFIRMATION NO. 6961

FORMALITIES LETTER



OC000000011863198

Date Mailed: 02/09/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/09/2004 YPOLITE1 00000009 10613077

FILED UNDER 37 CFR 1.53(b)

01 FC:1051

130.00 OP

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is

identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$126** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$256** for a Large Entity

- **\$130 Late oath or declaration Surcharge.**
- Total additional claim fee(s) for this application is **\$126**
 - **\$126 for 68 total claims over 20.**

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

68541.1
PATENT



DOCKET 13510CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: LEAKE, Devin, *et al.* Examiner: To be assigned
Serial No.: 10/406,908 Group Art Unit: To be assigned
Filed: July 1, 2003
For: Modified Polynucleotides for Use in RNA Interference

Customer No.: 23719

Kalow & Springut LLP
488 Madison Avenue, 19th Floor
New York, New York 10022

August 4, 2004

Mail Stop Missing Parts
Commissioner for Patents
P.O Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NON PROVISIONAL APPLICATION
(Filing Date Granted)**

Sir:

A Notice to File Missing Parts of Non Provisional Application (filing date granted) was mailed on 9 February 2004, setting a two-month period for reply ending on 9 April 2004. Pursuant to the enclosed petition and fee for a four-month extension of time, the time set for reply now expires on 9 August 2004, and thus this response is timely filed.

Applicants hereby enclose an executed Declaration and Power of Attorney, a paper copy of the sequence listing, and a computer readable form of the sequence listing on disk (Copy 1 and Copy 2) for the above-identified application. Copy 1 and Copy 2 are identical. Applicants state under 37 CFR 1.821(f) that the sequence listing information recorded in computer readable form is identical to the written sequence listing. This submission does not include new a matter which goes beyond the disclosure of the application as filed.

EV279576530US)

Certificate of Express Mailing Under 37 C.F.R. § 1.10

I hereby declare that on the date indicated below, this correspondence is being deposited with the United States Postal Service via Express Mail Label No. EV 279576530 in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450 on the date shown below.

(Signature)

(Printed Name of Person Signing Certificate)

(Date)

Applicants: LEAKE, Devin *et al.*
Serial No.: 10/613,077
Filing Date: July 7, 2003
Response to Notice to File Missing Parts
August 4, 2004
Page 2 of 2

Applicants enclose the following in response to the Notice to File Missing Parts:



- Response to Notice to File Missing Parts of Nonprovisional Application (filing date granted) (2 pages)
- Copy of Notice to File Missing Parts of Nonprovisional Application (filing date granted) (2 pages)
- Executed Declaration and Power of Attorney (3 pages)
- Sequence Listing Transmittal (2 pages)
- Sequence Listing, Paper Copy (115 pages)
- Sequence Listing, computer readable copy (1 disk in duplicate; Copy 1 & Copy 2)
- Second Supplemental Preliminary Amendment, requesting entry of sequence listing (3 pages)

A fee for the Oath and Declaration and the enclosed fee for a four-month extension of time is believed to be due with respect to this Response. If any additional fees are deemed due, or if overpayment has been made, please charge, or credit, our Deposit Account No 11-0171 for such sum.

Respectfully submitted,

The image shows a handwritten signature in black ink, which appears to read "Tor Smealand". Below the signature, there is a horizontal line.

Tor Smealand, Esq.
Registration No.: 43,131
Attorney for Applicant

Kalow & Springut LLP
(212) 813-1600